

words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 5-9-62. Default—destruction.

DAIRY PRODUCTS

BUTTER

27878. Butter. (F.D.C. No. 44650. S. Nos. 86-631 P, 8-461 R.)

INFORMATION FILED: 8-22-60, W. Dist. N.Y., against Pavilion Creamery Co., Inc., Rochester, N.Y.

ALLEGED VIOLATIONS: On 1-14-53 and 3-31-55, the defendant gave to two firms engaged in the business of shipping butter in interstate commerce, guaranties to the effect that butter delivered by the defendant under the guaranties would not be adulterated. On 2-2-60 and 2-29-60, the defendant caused to be delivered to the holders of the guaranties quantities of butter which was adulterated.

CHARGE: 402(b) (1)—a valuable constituent, milk fat, had been in part omitted from the article; and 402(b) (2)—a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

PLEA: Guilty.

DISPOSITION: 10-10-60. \$500 fine.

27879. Butter. (F.D.C. No. 45970. S. No. 35-960 R.)

INFORMATION FILED: 7-18-61, Dist. Nebr., against Forrest G. Miller, a partner in the partnership of Farmers Creamery, Pender, Nebr.

SHIPPED: 8-29-60, from Nebraska to Ohio.

CHARGE: 402(b) (1)—when shipped, a valuable constituent, milk fat, had been in part omitted from the article; and 402(b) (2)—a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

PLEA: Nolo contendere.

DISPOSITION: 10-5-61. \$100 fine which was suspended.

27880. Butter. (F.D.C. No. 43771. S. No. 62-895 T.)

QUANTITY: 79 64-lb. boxes, at St. Paul, Minn.

SHIPPED: 3-19-62, from Bismarck, N. Dak., by Capital Milk Products Co.

LABEL IN PART: "Butter Armour Creameries Distributors Gen'l Office—Chicago, Ill. CREAMERY BUTTER Keep Refrigerated."

LIBELED: 4-3-62, Dist. Minn.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 5-10-62. Consent—claimed by Capital Milk Products Co., and released under bond to be reworked.

CHEESE

27881. Romano cheese. (F.D.C. No. 47049. S. Nos. 12-542/3 T.)

QUANTITY: 89 cheeses, 2,126 lbs. total, at Blanchardville, Wis.

SHIPPED: 12-7-61, from Forreton, Ill., by Forreton Swiss Cheese Co.

LIBELED: 2-19-62, W. Dist. Wis.

CHARGE: 402(a)(3)—contained a filthy substance by reason of having been prepared from filthy milk; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-7-62. Default—destruction.

MILK

27882. Nonfat dry milk. (F.D.C. No. 47226. S. No. 47-781 T.)

QUANTITY: 36 cases, 24 pkgs. each, at Memphis, Tenn.

SHIPPED: 12-13-61, from Belleville, Wis., by Pet Milk Co.

LABEL IN PART: (Pkg.) "4 Quart Handy Size Pet Instant Nonfat Dry Milk Net Wt. 12 $\frac{1}{2}$ Ozs. * * * Pet Milk Company, St. Louis 1, Missouri."

RESULTS OF INVESTIGATION: Examination showed that a cookbook was spot-glued to the front panel of each package and that the book and package were enclosed in cellophane which could not be removed at the time of purchase, making the quantity of contents statement inconspicuous due to being covered by the cookbook.

LIBELED: 3-5-62, W. Dist. Tenn.

CHARGE: 403(f)—when shipped, the information required under 403(e)(2) to appear on the label, namely, the quantity of contents statement, was not placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 4-16-62. Default—delivered to a charitable institution.

27883. Evaporated goat milk. (F.D.C. No. 47383. S. No. 5-503 T.)

QUANTITY: 10 cases, 24 14-oz. cans each, at Baltimore, Md.

SHIPPED: 4-27-60, from Culver City, Calif., by Jackson-Mitchell Pharmaceuticals, Inc.

LABEL IN PART: (Can) "Meyenberg Brand Evaporated Goat Milk with Added Vitamins B₆ and B₁₂ and Folic Acid * * * fortified with the addition of the following vitamins: 1 Mg. Vitamin B₆, 1 Mg. Folic Acid, 1 Mcg. Vitamin B₁₂ * * * Packed by Meyenberg Milk Products Co. San Francisco, California Packed For Jackson-Mitchell Pharmaceuticals, Inc. Culver City, California."

LIBELED: 3-19-62, Dist. Md.

CHARGE: 402(a)(2)(C)—when shipped, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409 since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 4-13-62. Default—destruction.

EGGS

27884. Frozen eggs. (F.D.C. No. 45245. S. No. 68-348 P.)

INFORMATION FILED: 8-24-61, N. Dist. Ga., against Superior Eggs, Inc., Forest Park, Ga., and A. Ervin Goldberg, president.

SHIPPED: 10-9-59, from Georgia to Pennsylvania.

LABEL IN PART: (Can) "SUPERIOR 'Taste the Difference' WHOLE EGGS 30 Pounds Net Packed by SUPERIOR EGGS, INC. FOREST PARK, GA."